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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT TACOMA  
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11 PAUL WILLIAM BRUGLIA,  
12  
13                   Plaintiff,

v.

14 WASHINGTON STATE PATROL and  
15 WASHINGTON STATE TROOPER SEAN  
16 CHATTERSON,

17                   Defendants.

CASE NO. C13-5891 BHS-JRC

ORDER DENYING PLAINTIFF'S  
MOTION TO APPOINT COUNSEL  
AND MOTION TO AMEND THE  
COMPLAINT

17 The District Court referred this is 42 U.S.C. § 1983 civil rights matter to the undersigned  
18 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Rules  
19 MJR 1, MJR 3, and MJR 4.

20 Plaintiff asks the Court to appoint an attorney, David Partovi, to represent him (ECF No.  
21 10). Plaintiff also asks for leave to file an amended complaint, but he does not outline how the  
22 amended complaint differs from his original complaint (ECF No. 11). The Court denies both  
23 motions.

24       1.      Appointment of counsel.

25 There is no right to have counsel appointed in cases brought pursuant to 42 U.S.C. § 1983.

26 Although the Court can request counsel to represent a party, 28 U.S.C. § 1915(e)(1), the Court may  
27 do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.

1 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089  
 2 (9th Cir. 1980). A finding of exceptional circumstances requires the Court to evaluate both the  
 3 likelihood of success on the merits and the ability of plaintiff to articulate his claims pro se in light of  
 4 the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

5 Plaintiff has articulated his claims and alleges violation of his constitutional rights and a state  
 6 negligence claim in connection with a use of force by the arresting officer who allegedly shot  
 7 plaintiff. Plaintiff makes no showing regarding a likelihood of success on the merits. The Court  
 8 denies plaintiff's motion for appointment of counsel. Plaintiff may renew the motion, but, not until  
 9 after the parties have further developed the facts and presented that information to the Court.  
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11       2. Amended Complaint.

12 Plaintiff asks for leave to file an amended complaint and he provides a proposed amended  
 13 complaint, but he has not explained to the Court what changes he has made or why amendment of the  
 14 complaint is needed. *See Local Rule 15*. The two complaints appear to the Court to recite the same  
 15 facts and raise identical causes of action. The only substantive difference the Court can discern  
 16 between the two compliant is the spelling of the Washington State Trooper's name. In the original  
 17 complaint plaintiff identifies this defendant as Sean Chatterson, (ECF No. 5), in the amended  
 18 complaint defendant is identified as Sean R. Chatterton, (ECF No. 11-1). If the spelling of  
 19 defendant's name is the only change, a motion to amend the case caption or to correct the spelling of  
 20 defendant's name is all the Court requires. There is no reason to require defendants to submit a  
 21 second answer for a change of this nature. The motion to amend the complaint is denied without  
 22 prejudice.

23       Dated this 5th day of February, 2014.

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J. Richard Creatura  
 United States Magistrate Judge